

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Eleese Manrique,

Case No.

Plaintiff,

NOTICE OF REMOVAL

v.

Gold Key Credit, Inc.,

Defendant.

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, defendant, Gold Key Credit, Inc. (“Gold Key”), through undersigned counsel and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 *et seq.*, hereby removes this action from the Hennepin County District Court, Fourth Judicial District, State of Minnesota, to the United States District Court for the District of Minnesota. In support of this Notice of Removal, Gold Key states as follows:

1. On or about May 4, 2017, plaintiff, Eleese Manrique (plaintiff), commenced a civil action in the Hennepin County District Court, Fourth Judicial District, State of Minnesota, entitled and captioned *Eleese Manrique v. Gold Key Credit, Inc.*, Case No. None specified (hereinafter the “State Court Action”). No further proceedings before the State Court have occurred.

2. In the Complaint, plaintiff alleges statutory causes of action against Gold Key under the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, *et seq.* and the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* A true and correct

copy of plaintiff's Complaint is attached hereto as Exhibit "A." Therefore, this Court has jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1331 because plaintiff's Complaint alleges a cause of action arising under the laws of the United States. Because plaintiff affirmatively alleges violations of the FDCPA and the TCPA, the Complaint asserts a federal question under 28 U.S.C. § 1331 and is removable pursuant to 28 U.S.C. § 1441.

3. On May 8, 2017, Gold Key was served with a copy of the Summons and Complaint.

4. The time within which Gold Key is required by the laws of the United States, 28 U.S.C. § 1446(b), to file this notice of removal has not yet expired. This Notice of Removal is timely, having been filed within 30 days of the date on which Gold Key was served with plaintiff's Complaint. *See* 28 U.S.C. § 1446.

5. The Hennepin County District Court, Fourth Judicial District, State of Minnesota, is located within the United States District Court for the State of Minnesota. Therefore, venue for purposes of removal is proper pursuant to 28 U.S.C. § 89(b) because the United States District Court for the District of Minnesota embraces the place in which the removed action was pending. 28 U.S.C. § 1441(a).

6. Written notice of this Notice of Removal of this action is being immediately provided to the Hennepin County District Court, Fourth Judicial District, State of Minnesota. *See* Exhibit "B" attached hereto.

7. Written notice of this Notice of Removal of this action is being caused to be served on the plaintiff.

WHEREFORE, defendant, Gold Key Credit, Inc., gives notice that this action is removed from the Hennepin County District Court, Fourth Judicial District, State of Minnesota, to the United States District Court for the District of Minnesota.

ERSTAD & RIEMER, P.A.

Dated: 6/7/17

By: 

Thomas H. Schaefer, #0231587
8009 - 34th Avenue South, Suite 200
Minneapolis, MN 55425
Direct Phone: 952-837-3250
Direct Fax: 952-767-7050
E-Mail: tschaefer@erstad.com

*Attorneys for Defendant
Gold Key Credit, Inc.*

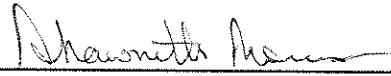
RE: Eleese Manrique vs. Gold Key Credit, Inc.

STATE OF MINNESOTA)
)SS.
COUNTY OF HENNEPIN)

**AFFIDAVIT OF SERVICE VIA
FACSIMILE, E-MAIL, AND U.S. MAIL**

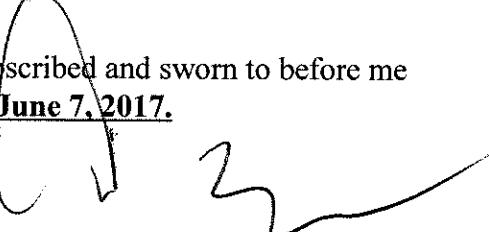
Shawnette Morrison, an employee of Erstad & Riemer, P.A., being duly sworn, says that on June 7, 2017, she served the annexed **Notice of Removal** on the below-listed party by e-mailing copies thereof directed to him, by faxing to him copies thereof directed to him at his last know facsimile number, and by mailing to him copies thereof directed to him, enclosed in an envelope, postage prepaid, and by depositing same in the post office at Bloomington, Minnesota:

David J.S. Madgett
Madgett Law, LLC
619 South Tenth Street, Suite 301
Minneapolis, MN 55404
Fax: 888-588-1434
E-Mail: dmadgett@madgettlaw.com



Shawnette Morrison

Subscribed and sworn to before me
on June 7, 2017.



Notary Public
(STAMP AND/OR SEAL)
 CHANDA SCHMALZ
Notary Public-Minnesota
My Commission Expires Jan 31, 2020